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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,123	10/10/2000	Alex M. Germert	SYM-0606C	7157
28661	7590	05/20/2004	EXAMINER	
SIERRA PATENT GROUP, LTD. P O BOX 6149 STATELINE, NV 89449			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/686,123	GERNERT ET AL.
Examiner	Art Unit	
George C Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 52-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 52,54,56,58,60,62,64 and 66 is/are rejected.
- 7) Claim(s) 53,55,57,59,61,63,65, and 67 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 May 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

Claims 27-29 and 35-51 have been canceled. Claims 52-67 have been added and have examined.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 February 2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 52-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

3. New corrected drawings are required in this application because the filed drawings are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 52 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Narad et al (US Patent 5 692 197 A).

Regarding claim 52, Narad discloses a method for preventing a mobile computer from being disconnected from a network comprising:

determining a termination time of a network connection for said mobile computer; setting a timer (referred to throughout the reference as “deterministic event”; column 3, lines 54-55) for a time, prior to said termination time responsive to said determination of said termination time; (column 2, lines 10-19; column 8, lines 1-25, specifically lines 10-25)

setting said mobile computer into a sleep mode (“sleep state”; column 3, lines 55-56) responsive to setting of said timer; (column 2, lines 10-15)

setting said mobile computer to an active mode (“active state”; column 3, lines 58-59) responsive to said timer expiring; (column 2, lines 15-18) and

transmitting a message from said mobile computer to a host computer in said network responsive to said mobile computer being set to said active mode. (column 2, lines 54-67, specifically 65-67)

Claim 56 is also rejected since claim 56 recites a mobile computer terminal that contains substantially the same limitations as cited in claim 52.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 54 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narad et al. in view of Emerson et al. (US Patent 4 775 996 A).

Regarding claim 54, Narad discloses the method of claim 52.

Narad does not disclose wherein the method further comprises determining whether said mobile computer is out of transmission range of said host computer; displaying an out of range message on a display screen of said mobile

computer responsive to a determination that said mobile computer is out of said transmission range; setting a re-transmit timer responsive to a determination of said mobile computer being out of said transmission range; and re-transmitting said message responsive to an expiration of said re-transmit timer, however, Emerson does disclose these limitations in the context of mobile computer communications (column 1, lines 11-38, specifically lines 29-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display a message on the mobile computer indicating to the user that the mobile computer must be brought back into range of communications with the host computer because if the mobile computer is not within range of the host computer to send a message, a user must manually move the mobile computer back into transmission range of the host computer and the only way a user can know is through the use of the notification method to which Emerson expressly discloses is the reason for such a notification method (column 1, lines 29-38). Therefore, one of ordinary skill in the art would be motivated to combine the teachings of these references.

Claim 58 is also rejected since claim 58 recites a mobile computer terminal that contains substantially the same limitations as recited in claim 54.

9. Claims 60, 62, 64, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art (US Patent 5 029 183 A to Tymes) in view of Narad et al.

Regarding claim 60, Narad discloses a mobile computer terminal comprising:

determining a termination time of a network connection for said mobile computer; setting a timer (referred to throughout the reference as "deterministic event"; column 3, lines 54-55) for a time, prior to said termination time responsive to said determination of said termination time; (column 2, lines 10-19; column 8, lines 1-25, specifically lines 10-25)

setting said mobile computer into a sleep mode ("sleep state"; column 3, lines 55-56) responsive to setting of said timer; (column 2, lines 10-15)

setting said mobile computer to an active mode ("active state"; column 3, lines 58-59) responsive to said timer expiring; (column 2, lines 15-18) and

transmitting a message from said mobile computer to a host computer in said network responsive to said mobile computer being set to said active mode. (column 2, lines 54-67, specifically 65-67)

Narad does not disclose a mobile computer terminal comprising: a transceiver unit for transmitting and receiving messages; a hand-held image scanner; a processing unit; instructions for directing said processing, unit to: read an image from said hand-held image scanner, transform data corresponding to said image, generate a data message including said data, said data message having a format and ordering expected by a host computer system, transmit said data message to said, host computer system, and a media readable by said processing unit that stores said instructions, however, the Applicant's admitted prior art discloses these limitations in the context of mobile computers (column 2, line 55-column 3, line 57; column 6, lines 28-56; column 11, line 25-column 12, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Applicant's admitted prior art with the disclosures of Narad since the Applicant admits the mobile computer terminal as known prior art, the combination of the features of Narad with the prior art features of the Applicant's admitted prior art would have involved only routine skill in the art.

Claims 62 and 66 are rejected since claims 62 and 66 recite substantially the same limitations as recited in claim 54.

Claim 64 is rejected since claim 64 recites a method for transmitting data between a mobile computer terminal and a host computer that contains substantially the same limitations as recited in claim 60.

***Allowable Subject Matter***

10. Claims 53, 55, 57, 59, 61, 63, 65, and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 560 021 A to Vook et al;

US Patent 6 473 411 to Kumaki et al;

US Patent 6 546 425 to Hanson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is

703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn



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